

UNITED STATES DISTRICT COURT
DISTRICT OF MINNESOTA

Fredrick DeWayne Hines,

File No. 18-cv-3250 (ECT/BRT)

Plaintiff,

v.

State of Minnesota; Minnesota Department of Corrections; Lori Swanson; Mike Dayton; Tom Roy; John Hoffman; Shane E. Wernsing; Lon Augdahl; Stephan Cranna; Jessica Buberl; James Clint Zuleger; “Commissioner of Human Services (John or Jane Doe)”; Michelle Smith; David Rheisus; Sherilinda Wheeler; Deborah MacNeill; Eric Nelson; Hannah Lindeman; Elizabeth (Beth) Strunk; Mary Spaniol; Lindsey Jennelle; Cynthia Herme; Diane Medchill; Carlirae Ronning; Mary A. Bergstad; Matthew Marsh; Jenny MacNeill; Andy DuBois; Nanette Larson; Mike Hermerding; John Melvin; Barb Manor; Amber Swanson; Elaine Crowern; “Jane Doe (Skinny Minnie), RN (MCF-OPH)”; Carla Thompson; Kathy Reid; Brenda Smith; Katherine Uhl; Jamie Peterson; “John Doe, RN (MCF-OPH)”; Coleen Loucks; Danielle Kenyon; Truman Clate; Dana Hill; Bronson Austrenge; Brian Bradley; “Lt. Unknown Hagen (CX-5 & MHU-CX-4) (PREA Investigator)”; “Lt. Unknown Monfur (CX-5 & MHU-CX-4) (PREA Investigator)”; Chad Oye; “Lt. N. Witter (PREA Investigator)”; Jeffrey Gutzmer; “Sgt. S. Swanson (CX-5)”; Tim Farmer; Matthew Johnson; Glen Lisowy; “Sgt. Unknown Bikney (CX-5)”; “Sgt. Unknown Grandstand (CX-5)”; “Sgt. Unknown Foster (CX-4)”; Lon Hovak; Craig Thacker; Christopher Ewald; Matthew Cash; “Unknown Speilman (CX-5 & MHU-CX-4)”; “D. Strickland (CX-5)”; “B. Lor (CX-

**ORDER ACCEPTING REPORT
AND RECOMMENDATION**

5)”; “Unknown Giraud (CX-5 & MHU-CX-4)”; “Unknown Uhl (CX-5)”; Bret Rangstich; “S. Stanley (CX-5 & MHU-CX-4)”; “Unknown Kosh (CX-5 & MHU-CX-4)”; Victor Torres; “Unknown Jackson (CX-5 & CX-4)”; Jerry Thor; Adam Perry; “Unknown Berts (CX-5 & MHU-CX-4)”; “J. Priase (CX-5; CX-4)”; Briah Rhor; Carlton Perry; “J. Fredrick (CX-5 & MHU-CX-4)”; “Unknown Minke (CX-5 & MHU-CX-4)”; “F. Wilson (CX-5 & MHU-CX-4)”; “Unknown Antilla (CX-5 & MHU-CX-4)”; “Unknown Minneto (CX-5 & MHU-CX-4)”; “Unknown Graves (CX-5 & MHU-CX-4)”; “K. Fisher (CX-5 & MHU-CX-4)”; “C. Smith (CX-5, CX-4)”; Mic Klin; Brandon Huynh; “J. Smith (CX-5, CX-4)”; Anthony Crea; “Unknown O’Neill (ACU, CX-5 & CX-4)”; Doug Witte; Todd Bergstad; “Unknown O’Neill (CX-5-MHU, CX-4 & ACU-Unit)”; “A. Yates (CX-5 & CX-4)”; James Toughy; and “Inmate (Drama) CX-4”,

Defendants.

The Court has received the May 10, 2019 Report and Recommendation of United States Magistrate Judge Becky R. Thorson. ECF No. 106. No party has objected to that Report and Recommendation, and the Court therefore reviews it for clear error. *See Fed. R. Civ. P. 72(b); Grinder v. Gammon*, 73 F.3d 793, 795 (8th Cir. 1996) (per curiam). Finding no clear error, and based upon all of the files, records, and proceedings in the above-captioned matter, **IT IS HEREBY ORDERED THAT:**

1. The Report and Recommendation [ECF No. 106] is **ACCEPTED**; and

2. The Motion to Dismiss by Defendants Augdahl, M.D., Stephen Craane (identified in the Complaint as “Stephan Cranna”), and Deborah MacNeill [ECF No. 35] is **DENIED**.

Dated: June 3, 2019

s/ Eric C. Tostrud

Eric C. Tostrud

United States District Court